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10/668,142

09/24/2003

Amit Singhal

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04/29/2008

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EXAMINER

PYO, MONICA M

ART UNIT

PAPER NUMBER

2161

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,142

Applicant(s)

SINGHAL ET AL.

Examiner

MONICA M. PYO

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/2008 has been entered.
2. Claims 1-11 are currently pending in this application. Claims 1, 9-11 are independent claims. In the Amendment filed 1/24/2008, claims 12-45 are canceled.

Claim Rejections - 35 USC § 112

3. The claim amendment received on 1/24/2008. The changes are acknowledged and therefore, the 35 U.S.C. 112, 1st paragraph and 2nd paragraph rejections made in a prior Office Action are withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5-10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0027670 by Petropoulos (hereinafter Petropoulos)

Regarding Claims 1, 9 and 11, Petropoulos discloses a method fro processing a query, comprising:

A) receiving a query wherein the query includes at least an entered term or phrase, as an initial query to search <i.e., jazz music> (Petropoulos: pg. 2, [0021]);

B) determining, based at least in part on an analysis of the entered term or phrase, whether the query is a commercial query or a non-commercial query, as the query is determined to be focused on either educational <i.e., non-commercial> research or to purchase of goods or services <i.e., commercial> (Petropoulos: pg. 5, [0071]);

C) processing the query in a first manner when the query is not determined to be a commercial query, where processing the query in a first manner includes ranking documents in a first manner, as the search server searches for a document and ranks the search results (Petropoulos: pg. 4, [0063-0067]); and

D) processing the query in a second, different manner in response to determining that the query is a commercial query, where processing the query in a second manner includes ranking documents in a second, different manner, as the commercial server collects conversion data describing the conversion (Petropoulos: pg. 1, [0005]; pg. 2, [0021-0022]).

Regarding Claim 5, Petropoulos discloses the method wherein the processing the query in a first manner includes:

- retrieving one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]); and

- scoring the one or more documents based at least in part on a first set of criteria (Petropoulos: pg. 5, [0076 & 0078]).

Regarding Claim 6, Petropoulos discloses the method wherein the processing the query in a second, different manner includes:

- retrieving the one or more documents relating to the query (Petropoulos: [0071 & 0077]), and
- scoring the one or more documents based at least in part on a second, different set of criteria (Petropoulos: pg. 5, [0076 & 0078]).

Regarding Claim 7, Petropoulos discloses the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on one or more attributes of documents that match the query (Petropoulos: [0071]).

Regarding Claim 8, Petropoulos discloses the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on user-supplied data regarding the query or documents that match the query (Petropoulos: [0071, 0080 & 0081]).

Regarding Claim 10, this claim is also rejected based upon the same reasoning as claims 1, 9 and 11. Additionally, Petropoulos discloses:

A). a memory configured to store instructions, as a machine-readable medium/media with operating system software executing in memory (Petropoulos: pg. 6, [0084]); and

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos in view of U.S. Patent Application Publication No. 2005/0050045 by Taira et al. (hereinafter Taira).

Regarding Claim 2, Petropoulos discloses the method wherein the determining includes:

- determining whether the query is included in a list of commercial query (Petropoulos: [0071 & 0080]), and
- identifying the query as a commercial query when the query is included in the list of commercial query (Petropoulos: [0071 & 0080]).

Although Petropoulos discloses the element of query patterns as those queries that match historical queries in the database (pg. 5, [0080]).

Petropoulos does not explicitly disclose:

- query patterns;

However, Taira discloses:

- query patterns (Taira: [0328]).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Petropoulos with the teachings of Taira to utilize the query patterns with the motivation to enhance the search engine to return more useful results to satisfy the user with the more accurate search result (Taira: [0014]).

Regarding Claim 3, Petropoulos and Taira disclose the method wherein the determining further includes:

- determining, when the query is not included in the list of commercial query patterns, whether the query relates to at least one commercial query pattern in the list of commercial query patterns (Petropoulos: [0071, 0078 & 0080]) and (Taira: [0328]),
- identifying the query as a commercial query when the query relates to at least one commercial query pattern in the list of commercial query patterns (Petropoulos: [0071 & 0078]) and (Taira: [0328]), and
- identifying the query as a non-commercial query when the query is unrelated to the list of commercial query patterns (Petropoulos: [0071 & 0080]) and (Taira: [0328]).

Regarding Claim 4, Petropoulos and Taira disclose the method wherein the determining whether the query relates to at least one commercial query pattern in the list of commercial query patterns includes:

- determining whether the query relates to at least one commercial query pattern based at least in part on at least one of a use of stemming, an identification of one or more synonyms, an identification of one or more related words, and an identification of a category or classification (Petropoulos: [0071]) and (Taira: [0328]).

Response to Arguments

8. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon & Thur 7:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

mpyo
4/26/2008

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161